

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #07	CCRB Case #: 202104633	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/18/2021 8:30 PM, Saturday, 06/19/2021 9:26 PM, Wednesday, 08/04/2021 6:50 PM, Wednesday, 08/04/2021 6:50 PM	Location of Incident: 131 West Kingsbridge Road; 2753 Sedgwick Avenue; 3450 Kingsbridge Avenue	18 Mo. SOL 12/19/2022	Precinct: 50		
Date/Time CV Reported Thu, 08/05/2021 1:32 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 08/05/2021 1:32 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Douglas Soriano	00000	949682	050 PCT
2. SGT Vincent Caprino	03917	951589	050 PCT
3. PO Nicholas Giordani	06276	966593	050 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Joseph Rodriguez	28899	931072	050 PCT
2. PO Anthony Cherubino	10001	956520	050 PCT
3. PO Tiffany Buccheri	09737	964946	050 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Nicholas Giordani	Abuse: On May 18, 2021 at 131 West Kingsbridge Road, Police Officer Nicholas Giordani refused to provide his name to § 87(2)(b)	
B. PO Nicholas Giordani	Abuse: On May 18, 2021 at 131 West Kingsbridge Road, Police Officer Nicholas Giordani refused to provide his shield number to § 87(2)(b)	
C. LT Douglas Soriano	Discourtesy: On May 18, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
D. LT Douglas Soriano	Abuse: On May 18, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
E.LT Douglas Soriano	Discourtesy: On June 19, 2021 in front of 2753 Sedgwick Avenue, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
F.LT Douglas Soriano	Discourtesy: On June 19, 2021 in front of 2753 Sedgwick Avenue, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
G.SGT Vincent Caprino	Discourtesy: On June 19, 2021 in front of 2753 Sedgwick Avenue, Sergeant Vincent Caprino spoke discourteously to § 87(2)(b)	
H.LT Douglas Soriano	Abuse: On June 19, 2021 in front of 2753 Sedgwick Avenue, Lieutenant Douglas Soriano made a sexually suggestive remark to § 87(2)(b)	
I.LT Douglas Soriano	Discourtesy: On August 4, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
J.LT Douglas Soriano	Force: On August 4, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano used physical force against § 87(2)(b)	
K.LT Douglas Soriano	Discourtesy: On August 4, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
L.LT Douglas Soriano	Discourtesy: On August 4, 2021 at the 50 Precinct stationhouse, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
M.LT Douglas Soriano	Discourtesy: On August 4, 2021 at the 50 Precinct stationhouse, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)	
N.LT Douglas Soriano	Discourtesy: On August 4, 2021 at the 50 Precinct stationhouse, Lieutenant Douglas Soriano was discourteous to § 87(2)(b) about his weight	

Case Summary

On August 5, 2021, § 87(2)(b) filed the following complaints on behalf of his 26-year-old son, § 87(2)(b). § 87(2)(b) did not witness any of the incidents. For the rest of the report, § 87(2)(b) is referred to as § 87(2)(b) (BR1).

§ 87(2)(b) described three separate incidents. § 87(2)(b) first alleged that at 131 West Kingsbridge Road in the Bronx at about 8:30PM on May 18, 2021, Lieutenant Douglas Soriano, Detective Joseph Rodriguez, and Police Officer Nicholas Giordani, all of the 50 Precinct, told him to stop sitting on a car. He alleged that PO Giordani did not provide his name and shield number when requested (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). He alleged that Lt. Soriano told him he would “fucking arrest him (**Allegation C: Discourtesy**, § 87(2)(g)). **Allegation D: Abuse of Authority**, § 87(2)(g).

§ 87(2)(b) further alleged that Lt. Soriano, Det. Rodriguez, and Sergeant Vincent Caprino of the 50 Precinct approached him and his cousin, § 87(2)(b) while they were playing music on the street at 2753 Sedgwick Avenue in the Bronx on June 19, 2021, at 9:26PM. He alleged that Lt. Soriano called him a “fat shit” (**Allegation E: Discourtesy**, § 87(2)(g)). Lt. Soriano told § 87(2)(b) to record him taking his “shit” when referring to the speaker. Lt. Soriano confiscated (**Allegation F: Discourtesy**, § 87(2)(g)). Sgt. Caprino called § 87(2)(b) “stupid” (**Allegation G: Discourtesy**, § 87(2)(g)). § 87(2)(b) could not remember what the comment was about but alleged that Lt. Soriano made a sexual comment about him to the other officers (**Allegation H: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) reported another incident on August 4, 2021. At 131 West Kingsbridge Road in the Bronx at about 6:50PM, Lt. Soriano, Det. Rodriguez, and Sgt. Caprino were making arrests. § 87(2)(b) was sitting on a car watching the arrests. § 87(2)(b) alleged that Lt. Soriano told him to “get the fuck off the car...you’re a fat shit” (**Allegation I: Discourtesy**, § 87(2)(g)). He then alleged that Lt. Soriano grabbed him and pushed him against a car while telling him, “fuck this shit” (**Allegation J: Force**, § 87(2)(g)). **Allegation K: Discourtesy**, § 87(2)(g). Officers then transported him back to the 50 Precinct stationhouse to process his summonses. § 87(2)(b) alleged that Lt. Soriano told him, “look at me straight, you fat shit” because § 87(2)(b) has amblyopia (a lazy eye) (**Allegation L: Discourtesy**, § 87(2)(g)). Lt. Soriano told § 87(2)(b) to read his “fucking emails” about complaints relating to § 87(2)(b) and that § 87(2)(b) does not weigh “two fucking pounds” (**Allegation M: Discourtesy**, § 87(2)(g)). Lt. Soriano also told § 87(2)(b) he was overweight for no reason relating to any complaint (**Allegation N: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) received two summonses on August 4, 2021 for vehicle obstruction and congregating on the street (BR2).

The investigation received no body worn camera (BWC) videos for May 18, 2021 (BR3), five BWC videos for June 19, 2021 (BR4), and three BWC videos for August 4, 2021 (BR5).

Findings and Recommendations

Allegation A- Abuse of Authority: On May 18, 2021 at 131 West Kingsbridge Road, Police Officer NICHOLAS GIORDANI refused to provide his name to § 87(2)(b).

Allegation B-Abuse of Authority: On May 18, 2021 at 131 West Kingsbridge Road, Police Officer NICHOLAS GIORDANI refused to provide his shield number to § 87(2)(b).

Allegation C- Discourtesy: On May 18, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b).

Allegation D-Abuse of Authority: On May 18, 2021 at 131 West Kingsbridge Road, Lieutenant Douglas Soriano threatened to arrest § 87(2)(b)

§ 87(2)(b) explained to the investigation that at 131 West Kingsbridge Road in the Bronx at about 8:30PM on May 18, 2021, he was leaning with his back against a car. He did not know who owned the car. He explained that Lt. Soriano, Det. Rodriguez, and PO Giordani drove around the block in their car several times for multiple hours. § 87(2)(b) was still leaning on the car when PO Giordani, the driver, stopped the car and the members of service approached. He alleged that he asked PO Giordani for his name and shield number, but PO Giordani did not ever provide it and PO Giordani walked away from him (BR6).

§ 87(2)(b) further alleged that when Lt. Soriano got out of the car, he told § 87(2)(b) to get off of the car by stating “I’m not going to fucking repeat myself again. The next time I come around, I’m going to arrest you.” § 87(2)(b) began to protest and say that Lt. Soriano could not do that. Lt. Soriano then allegedly replied, “if I see you again, I’m going to fucking arrest you” (BR6).

Lt. Soriano and PO Giordani both explained that although they did not remember what occurred on May 18, 2021, they are familiar with this location. 131 West Kingsbridge Avenue is both a restaurant and an apartment building. Their command has received continual complaints of people who have no business at the apartment or restaurant damaging tenants’ vehicles with dents and scratches. People also block the entrance to the apartment building and congregate in front of the restaurant. Lt. Soriano knows the owner of the restaurant from his frequent reports of people in front of the restaurant and damages to the owner’s car. This is also a meeting point for gang and drug activity (BR7; BR8).

PO Giordani did not recall if he interacted with § 87(2)(b). He therefore did not remember if § 87(2)(b) requested his name and shield number. However, PO Giordani always provides this information if requested and he would have provided it to § 87(2)(b) if asked (BR8).

Lt. Soriano explained that he can arrest people for criminal mischief if he sees people jumping and damaging tenants’ vehicles. However, Lt. Soriano prefers to warn people to not do this and has not made arrests in regards. He did not remember if he told § 87(2)(b) if he could be arrested for leaning and damaging the car. Lt. Soriano denied using profanity with § 87(2)(b) as he typically does not use profanity when warning people to get off cars (BR7).

§ 87(2)(b) alleged that PO Giordani did not provide his name and shield number and that Lt. Soriano used profanity in a threat to arrest him. Neither member of service remembers this incident and denied the allegations. There was no video footage for this incident and so no statement can be corroborated with video. § 87(2)(g)

Allegation E- Discourtesy: On June 19, 2021, in front of 2753 Sedgwick Avenue, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)

Allegation F- Discourtesy: On June 19, 2021, in front of 2753 Sedgwick Avenue, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)

Allegation G-Discourtesy: On June 19, 2021 in front of 2753 Sedgewick Avenue in the Bronx, Sergeant VINCENT CAPRINO spoke discourteously to § 87(2)(b)

Allegation H-Abuse of Authority: On June 19, 2021, in front of 2753 Sedgwick Avenue, Lieutenant Douglas Soriano made a sexually suggestive remark to § 87(2)(b)

On June 19, 2021, in front of 2753 Sedgwick Avenue in the Bronx, § 87(2)(b) was with his cousin, § 87(2)(b) and another friend. They were playing music on the street out of § 87(2)(b)

§ 87(2)(b) speaker. At 9:26PM, Lt. Soriano, Det. Rodriguez, and Sgt. Caprino drove up in a car and then approached § 87(2)(b). Lt. Soriano allegedly called § 87(2)(b) a “fat shit” and told him to turn off the music. § 87(2)(b) became upset and began to curse at Lt. Soriano. When § 87(2)(b) was recording the incident, Sgt. Caprino told § 87(2)(b) that he looked stupid but that he can continue to record. The members of service took the speaker and issued a summons to § 87(2)(b). Two more members of service arrived as back up. As they were leaving, § 87(2)(b) (b) alleged that Lt. Soriano made a sexual remark about § 87(2)(b) which made the other members of service laugh. However, § 87(2)(b) could not provide any details on what the comment was or why he believed it was directed at him (BR6).

Police Officer Anthony Cherubino (BR9) and Police Officer Tiffany Buccheri (BR10), both of the 50 Precinct, also arrived on scene and had BWC videos. Det. Rodriguez, (BR11), Lt. Soriano (BR12), and Sgt. Caprino (BR13) also all had BWC videos.

In Lt. Soriano’s BWC from 8:55-9:55 (BR)12, Lt. Soriano acknowledged that he told § 87(2)(b) to “record me taking your shit.” At no other point did anyone use profanity to refer to the speaker and Lt. Soriano’s use of profanity was unprompted by any profanity from any civilians or members of service. In addition, Lt. Soriano never called § 87(2)(b) a “fat shit” or made any kind of sexual comments at in point in any BWC video.

From 2:25-2:45 in Sgt. Caprino’s BWC, Sgt. Caprino tells § 87(2)(b) that he is being recorded when § 87(2)(b) begins to record the officers. § 87(2)(b) states he is recording for his own reasons. Sgt. Caprino states that, “I just don’t think you’re that bright, you just got your friends tickets too. No one said you don’t have the right to record, I just think you’re stupid, that’s all” as he walks away from § 87(2)(b) § 87(2)(b) and Sgt. Caprino have no other interactions (BR13).

Lt. Soriano explained that they heard music coming from the speaker and stopped to tell the group to lower the volume. In alignment with departmental policy, Lt. Soriano confiscated the speaker as an evidentiary sound reproduction device of the unreasonable noise in conjunction with the summons issued to § 87(2)(b). Lt. Soriano denied making any kind of sexual comment to § 87(2)(b). Lt. Soriano did not recall why he used profanity (BR7).

Sgt. Caprino corroborated Lt. Soriano’s statement that they stopped to tell the group to turn the music down. He explained that the men were saying offensive and inappropriate comments to the members of service. He explained that he meant that § 87(2)(b) actions of being rude to the officers was stupid, not that § 87(2)(b) himself was stupid. Sgt. Caprino explained that it was a comment that did not deliver well. He also said no one made any sort of sexual comment to § 87(2)(b) (BR14).

NYPD Patrol Guide Procedure 200-02 states that “The Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect” and pledges to “Value human life, respect the dignity of each individual and render our services with courtesy and civility (BR15).

§ 87(2)(b) alleged that when the members of service began talking to him and his companions, Lt. Soriano called him a “fat shit.” He also alleged that Lt. Soriano made a sexual remark about him in front of the officers. None of the BWC videos for June 19, 2021 show Lt. Soriano calling § 87(2)(b) a “fat shit” or making any kinds of sexual remarks. § 87(2)(g)

In Lt. Soriano's BWC and Sgt. Caprino's BWC, both members of service are discourteous to § 87(2)(b) by calling his property "shit" and calling § 87(2)(b) "stupid," respectively. Lt. Soriano and Sgt. Caprino both acknowledged saying these statements and did not have any justification as to why they said it. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation I -Discourtesy: On August 4, 2021, at 131 West Kingsbridge Road, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)

Allegation J- Force: On August 4, 2021, at 131 West Kingsbridge Road, Lieutenant Douglas Soriano used physical force against § 87(2)(b)

Allegation K- Discourtesy: On August 4, 2021, at 131 West Kingsbridge Road, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)

On August 4, 2021, § 87(2)(b) was again at 131 West Kingsbridge Road in the Bronx. He arrived when he saw other people getting arrested. § 87(2)(b) leaned up against a car and Lt. Soriano approached him. Lt. Soriano allegedly said, "get the fuck off the car because your fat ass is going to break the car, you don't think your fat ass is going to dent the car. You're not skinny, you're a fat shit." Lt. Soriano requested § 87(2)(b) identification and he provided it. Lt. Soriano then grabbed § 87(2)(b) shoulder and pushed him up against a car to handcuff him. While he was doing that, Lt. Soriano allegedly said, "fuck this shit, we are going to do this at the precinct" (BR6).

The investigation received BWC from Lt. Soriano (BR16), Det. Rodriguez (BR17), and PO Giordani (BR18) for August 4, 2021.

Lt. Soriano explained that he, Det. Rodriguez, and PO Giordani were making two arrests when he saw § 87(2)(b) sitting on the black car of the owner of the restaurant. The restaurant owner looked at Lt. Soriano in a request to get § 87(2)(b) off his car. Lt. Soriano then asked for § 87(2)(b) identification, put him in handcuffs, and officers took him back to the stationhouse to be processed away from the crowd (BR7).

Lt. Soriano's BWC (BR16) from 22:05-25:02 shows the entirety of his interactions with § 87(2)(b) at 131 West Kingsbridge Road. Lt. Soriano never uses profanity at this location in his BWC.

In PO Giordani's BWC (BR18) from 23:05-23:46, § 87(2)(b) is sitting on a black car and Lt. Soriano is asking him for identification. Lt. Soriano holds onto § 87(2)(b) arm and § 87(2)(b) tries to walk away from him and give someone a phone. Lt. Soriano turns him around as § 87(2)(b) throws the phone to someone and Lt. Soriano walks a few feet with him a car where he handcuffs him. Lt. Soriano does not ever push § 87(2)(b)

§ 87(2)(b) alleged that Lt. Soriano used profanity toward him before using force to handcuff him and push him against a car at 131 West Kingsbridge Road. As per BWC, Lt. Soriano never used profanity. BWC also shows Lt. Soriano held onto § 87(2)(b) and walked him over to stand next to a car. Lt. Soriano's actions did not rise to the level of force that § 87(2)(b) alleged. § 87(2)(b)

§ 87(2)(b)

Allegation L- Discourtesy: On August 4, 2021, at the 50 Precinct stationhouse, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)

Allegation M- Discourtesy: On August 4, 2021, at the 50 Precinct stationhouse, Lieutenant Douglas Soriano spoke discourteously to § 87(2)(b)

Allegation N- Offensive Language: On August 4, 2021, at the 50 Precinct stationhouse, Lieutenant Douglas Soriano was discourteous to § 87(2)(b) based on his weight

Upon arrival at the 50 Precinct Stationhouse, § 87(2)(b) saw Lt. Soriano inside. § 87(2)(b) explained to the investigation that he has a lazy eye that does not look straight ahead. Because of this, Lt. Soriano allegedly said, “when you talk to me, look at me straight, you fat shit.” § 87(2)(b) was then lodged in the holding cells and released with two summonses (BR6).

Det. Rodriguez issued C Summons § 87(2)(b) for obstructing a motor vehicle on the street and C Summons § 87(2)(b) for congregating on the street, refusing to move, and creating unsafe conditions (BR2).

In Det. Rodriguez's BWC from 34:27-35:31, Lt. Soriano stands at the front desk while another civilian is being searched and § 87(2)(b) stands against the back wall in handcuffs with Det. Rodriguez. Lt. Soriano tells § 87(2)(b) that he is going to be issued a summons but is not under arrest. Lt. Soriano and § 87(2)(b) tell each other that they do not like each other and do not think the other is tough. § 87(2)(b) tells Lt. Soriano that he is harassing him. Lt. Soriano tells § 87(2)(b) to look straight and § 87(2)(b) laughs. They continue to tell each other that that other is not tough and Lt. Soriano states, “you’re soft; just because you’re overweight, doesn’t mean you’re tough” (BR17).

Lt. Soriano explained that he did not notice that § 87(2)(b) has a lazy eye when § 87(2)(b) was being processed at the front desk. Lt. Soriano acknowledged telling § 87(2)(b) to look straight but did not call him a “fat shit.” Lt. Soriano testified that he told § 87(2)(b) that he was overweight for no apparent reason (BR7).

In PO Giordani’s BWC from 35:00-36:50 (BR18), Det. Rodriguez and PO Giordani are helping to process § 87(2)(b). Lt. Soriano and § 87(2)(b) continue to debate who is actually tough from the conversation above. § 87(2)(b) and Lt. Soriano were discussing that he cannot sit on cars and the NYPD gets complaints by email about such actions. Lt. Soriano tells § 87(2)(b) to read his “fucking emails” and that § 87(2)(b) is “not two fucking pounds and fucking damaging his car.” Lt. Soriano tells him to stop sitting on cars.

Lt. Soriano explained that he was talking about the emails in which people complain and that § 87(2)(b) is damaging the cars. However, Lt. Soriano could not describe why he used profanity (BR7).

NYPD Patrol Guide Procedure 200-02 states that “The Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect” and pledges to “Value human life, respect the dignity of each individual and render our services with courtesy and civility (BR15).

As per BWC, Lt. Soriano told § 87(2)(b) to “look at me straight” but did not ever call § 87(2)(b) a “fat shit.” Lt. Soriano also denied calling him that. § 87(2)(g)

As per BWC and Lt. Soriano’s testimony, when § 87(2)(b) was in handcuffs in the stationhouse, Lt. Soriano used profanity toward him. Lt. Soriano also stated that § 87(2)(b) was overweight. Lt. Soriano could not give any justification to using profanity and calling § 87(2)(b)

§ 87(2)(b) overweight. None of these statements were necessary to the conversation and only served to offend § 87(2)(b) and escalate the situation. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR19).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR20).
- Lieutenant Douglas Soriano has been a member of service for 11 years and has been a subject in 7 CCRB complaints and 27 allegations, none of which were substantiated. § 87(2)(g)
- Sergeant Vincent Caprino has been a member of service for 9 years and has been a subject in four CCRB complaints and four allegations, of which one were substantiated. § 87(2)(g)
 - 201307714 involved allegations of force against Sgt. Caprino. This allegation was closed as exonerated.
 - 201804170 involved an allegation of a threat of arrest against Sgt. Caprino. This allegation was closed as exonerated.
 - 201810279 was closed as mediated
 - 201901583 included a substantiated allegation of failure to provide an RTKA card and was closed as giving instructions. The NYPD Imposed giving instructions. It also included an exonerated allegation of a stop.
- Police Officer Nicholas Giordani has been a member-of-service for 3 and this is the first CCRB complaint to which he has been a subject (BR23).

Mediation, Civil, and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of November 30, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint on May 18, 2021 (BR25).
- As of December 2, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint on June 19, 2019 (BR26).
- As of December 2, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint on June 19, 2021 (BR27).

Squad: 7

Investigator:	<u>Lianne May</u>	Investigator <u>Lianne May</u>	<u>December 23, 2021</u>
	Signature	Print Title & Name	Date
Squad Leader:	<u>Manager Vanessa Rosen</u>	<u>December 28, 2021</u>	
	Signature	Print Title & Name	Date

Reviewer:

Signature

Print Title & Name

Date